

Dear \_\_\_\_\_:

I am writing to urgently request your support for the Family Health Care Decision Act, A. 5406A, to enable close caregivers to make medical decisions for their incapacitated loved ones who have not appointed a health care proxy.

Unlike virtually every other state in the nation, New York law does not provide for family participation in making health care decisions for an individual who lacks mental capacity and has not executed a health care proxy. In the absence of a health care proxy, medical decisions are left to hospitals, nursing homes and medical providers. Only an estimated 15%-20% of New Yorkers have filled out health care proxies naming agents. Despite educational efforts, many New Yorkers continue to believe they won't need a legal document to make medical decisions for a spouse, child or partner. Moreover, if a person was attacked, suffered a stroke or was involved in a car accident while alone, likely no one would know that he/she had a written health care proxy. Although family and partners would be contacted by emergency services, without this law, all medical decisions would legally remain within the province of the health providers. It should be noted that medical decisions include obtaining second opinions, gaining access to medical records for oversight, and determining the best approach to care offered by physicians.

We strongly believe that the right to participate in health care decisions should not be withheld from those who know the patient best. To leave such decisions to the discretion of doctors, administrators, and judges, who are likely strangers to the individual, instead of loved ones, is heartless, disrespectful and flies in the face of a lifetime of family and partner connectedness that are so important when a health crisis arises.

This bill has languished in the legislature far too long, as New Yorkers and their families have suffered by being forced to watch on the sidelines as their loved ones need care, made helpless by the current New York law. The bill has the support of a broad range of organizations-consumers, providers, and professionals.

Won't you please support this bill so New York can finally join the rest of the nation in allowing close caregivers their rightful place in what is at its heart, a family crisis?

Thank you for considering action during this session.

Sincerely,